

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

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Mail Processing Network Rationalization  
Service Changes, 2012

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Docket No. N2012-1

AMERICAN POSTAL WORKERS UNION, AFL-CIO,  
MOTION FOR IMMEDIATE ACCESS TO  
NON-PUBLIC INFORMATION IDENTIFIED  
AS USPS-LR-N2012-1/NP16  
(March 13, 2012)

Pursuant to 39 CFR 3007.40 and Rule 21 of the Commission's Rules of Practice and Procedure, the American Postal Workers Union, AFL-CIO (APWU) hereby moves for immediate access to Postal Service Library Reference USPS-LR-N2012-1/NP16, USPS Network Rationalization Operational Consolidation Studies [Non-Public].

The Postal Service submitted Library Reference USPS-LR-N2012-1/NP16 on March 8, 2012, accompanied by an Application for non-public treatment. In its Application, the Postal Service states that the materials in this Library Reference "consist of those portions of each operational consolidation study that reveal either (a) product-specific volumes for various postal products that originate and/or destinate in the service areas of specific mail processing plants in the Postal Service network or (b) data from which those volumes can be deduced."<sup>1</sup> The Postal Service states that if this information "were to be disclosed publicly, the Postal Service considers that it is quite likely that it would suffer commercial harm."<sup>2</sup> The Postal Service asserts that "[u]nder good business practice, [this information] would not be disclosed publicly."<sup>3</sup> The Postal Service further asserts "that materials filed non-publicly should be withheld from persons involved in competitive decision-making in the relevant markets for competitive delivery products, as

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<sup>1</sup> Application of United States Postal Service for Non-Public Treatment of Library Reference USPS-LR-N2012-1/NP16 (March 8, 2012).

<sup>2</sup> Id. at 4.

<sup>3</sup> Id. at 3.

well as their consultants and attorneys.”<sup>4</sup>

APWU is not a competitor and poses no risk to the commercial success of the Postal Service. APWU is the exclusive collective bargaining representative of postal employees in the clerk, maintenance, and motor vehicle service crafts nationwide. APWU also mails millions of letters, periodicals, and packages each year and APWU members and retirees make extensive use of postal products and services. The changes proposed in this docket could have a significant impact on APWU represented employees and on the APWU and its members as a large user of the mail. Accordingly, APWU has intervened and has been an active participant in this docket. APWU also intends to submit rebuttal testimony. Parties should be entitled to material that has direct bearing on the Postal Service’s conclusions and rationale in the Postal Service’s case to fully evaluate the Postal Service’s plan in this docket. We believe that the information presented in USPS-LR-N2012-1/NP16 will facilitate preparation of our rebuttal case, possible cross examination of postal witnesses and our arguments on brief at the conclusion on this case.

Furthermore, APWU representative, consultants and attorneys have already been granted access to information similar to that provided in USPS-LR-N2012-1/NP16. See POR No. N2012-1/1 (December 14, 2011); POR No. N2012-1/2 (December 22, 2011); POR No. N2012-1/7 (January 20, 2012); POR No. N2012-1/8 (January 25, 2012); POR No. N2012-1/11 (February 7, 2012); POR No. N2012-1/12 (February 12, 2012); POR No. N2012-1/14 (February 21, 2012); POR No. N2012-1/18 (March 1, 2012);

There is limited time before the hearings on the Postal Service direct case are scheduled to occur, therefore, APWU seeks immediate access to this information. APWU believes this is appropriate given the fact that access to non-public information has been routinely granted to the APWU without objection from the Postal Service. Moreover, APWU Counsel has conferred with counsel for the Postal Service and has been told the Postal Service has no objection to the below listed APWU representatives, attorneys and consultants accessing the material in USPS-LR-N2012-1/NP16.

In accordance with 39 CFR 3007.40(b), the following APWU representatives, consultants and attorneys have completed a Statement of Compliance with Protective

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<sup>4</sup> Id. at 5.

Conditions Certification, found in Appendix A to Part 3007 of Title 39 of the Code of Federal Regulations, for Library Reference USPS-LR-N2012-1/NP16:

Phillip A. Tabbita,  
Manager, Negotiation Support and Special Projects  
American Postal Workers Union, AFL-CIO

Kathryn Kobe,  
Director of Price, Wage and Productivity Analysis ECS, LLC  
Economic Consultant for American Postal Workers Union, AFL-CIO

Darryl J. Anderson, Esq.  
O'Donnell, Schwartz & Anderson, PC  
Counsel for the American Postal Workers Union, AFL-CIO

Jennifer L. Wood, Esq.  
O'Donnell, Schwartz & Anderson, PC  
Counsel for the American Postal Workers Union, AFL-CIO

Robert C. Pritchard  
Director, Motor Vehicle Service Division  
American Postal Workers Union, AFL-CIO

Steven G. Raymer  
Director, Maintenance Division  
American Postal Workers Union, AFL-CIO

Robert M. Bloomer, Jr.  
American Postal Workers Union, AFL-CIO  
National Business Agent

William Mellen  
American Postal Workers Union  
National Business Agent

Pierre Kacha  
Decision/Analysis Partners  
Consultant for American Postal Workers Union, AFL-CIO

Hunter Tammaro  
Decision/Analysis Partners  
Consultant for American Postal Workers Union, AFL-CIO

Kyle Stamper  
Decision/Analysis Partners

Consultant for American Postal Workers Union, AFL-CIO

Marc Schiller

Shorter Cycles

Consultant for American Postal Workers Union, AFL-CIO

Sheppard Vars

Shorter Cycles

Consultant for American Postal Workers Union, AFL-CIO

Jim Lynch

Shorter Cycles

Consultant for American Postal Workers Union, AFL-CIO

A copy of each Certification is attached hereto. The original Certifications will be promptly filed with the Commission. Persons identified by the Postal Service pursuant to Section 3007.2(c) have also been provided with a copy of this Motion today by email.

As stated above, Counsel for APWU has conferred with Postal Service counsel and has been told that the Postal Service has no objection to the above named individuals accessing the materials contained in USPS-LR-N2012-1/NP16. Thus, APWU requests that the Commission waive the normal three-day waiting period required to allow the Postal Service to object and grant immediate access to USPS Library Reference N2012-1/NP16 to the above named individuals.

## **Conclusion**

For the forgoing reasons, APWU respectfully requests that access to Library References USPS-LR-N2012-1/NP16 be immediately granted to the above named individuals.

Respectfully submitted,


Jennifer L. Wood

Counsel for American Postal Workers Union, AFL-CIO

### **CERTIFICATION**

The undersigned represents that:

Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP16** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as **PRC Docket No. N2012-1**. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Phillip Tabbita</u>
Firm	<u>American Postal Workers Union, AFL-CIO</u>
Title	<u>Mgr Negotiation Support</u>
Representing	<u>American Postal Workers Union, AFL-CIO</u>
Signature	<u></u>
Date	<u>March 8, 2011</u>

### CERTIFICATION

The undersigned represents that:

Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP16** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as **PRC Docket No. N2012-1**. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name

Kathryn Kobe

Firm

ECS LLC

Title

Director of Price, Cost, Productivity Analysis

Representing

APWU

Signature

Kathryn Z Kobe

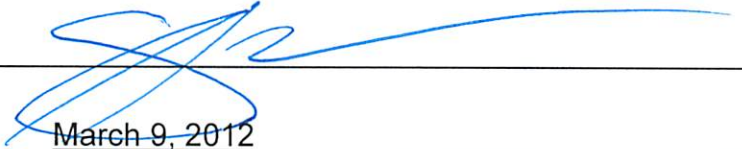
Date

March 8, 2012

### CERTIFICATION

The undersigned represents that:

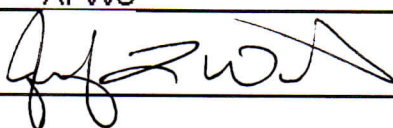
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Name	<u>Darryl J. Anderson</u>
Firm	<u>O'Donnell, Schwartz &amp; Anderson, P.C.</u>
Title	<u>Attorney</u>
Representing	<u>APWU</u>
Signature	
Date	<u>March 9, 2012</u>

### **CERTIFICATION**

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Name	<u>Jennifer L. Wood</u>
Firm	<u>O'Donnell, Schwartz &amp; Anderson, P.C.</u>
Title	<u>Attorney</u>
Representing	<u>APWU</u>
Signature	<u></u>
Date	<u>March 9, 2012</u>

### CERTIFICATION

The undersigned represents that:

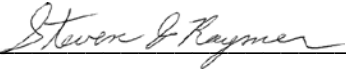
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Name	_____Robert C Pritchard_____
Firm	American Postal Workers Union_____
Title	____National Motor Vehicle Director_____
Representing	_Postal Drivers and VMF employees_____
Signature	_____Robert C Pritchard_____
Date	_____March 9, 2012_____

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The undersigned represents that:

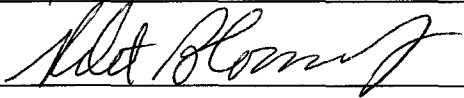
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Name	<u>Steven G. Raymer</u>
Firm	<u>American Postal Workers Union, AFL-CIO</u>
Title	<u>Director, Maintenance Division</u>
Representing	<u>APWU Bargaining Units</u>
Signature	<u></u>
Date	<u>March 9, 2012</u>

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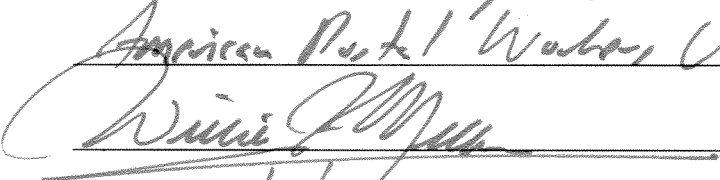
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Name	<u>Robert M. Bloomer, Jr.</u>
Firm	<u>APwu</u>
Title	<u>NBA</u>
Representing	<u>APwu</u>
Signature	<u></u>
Date	<u>3/8/12</u>

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Name	<u>William R. Mellen</u>
Firm	<u>American Postal Workers Union</u>
Title	<u>National Business Agent, Clerk Division</u>
Representing	<u>American Postal Workers Union</u>
Signature	<u></u>
Date	<u>3/9/12</u>

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Name Pierre Kacha

Firm decision/analysis partners

Title Consultant

Representing APWU

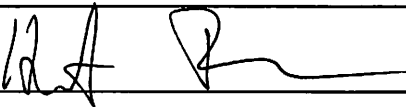
Signature 

Date March 9 2012

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Name	<u>WM Hunter Tammaro</u>
Firm	<u>decision analysis partners LLC</u>
Title	<u>Consultant</u>
Representing	<u>APWU</u>
Signature	<u></u>
Date	<u>3/9/2012</u>

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Name	Kyle Stamper
Firm	Commonwealth Computer Research, Inc.
Title	Systems Engineer
Representing	APWU
Signature	
Date	Mar. 10, 2012

**CERTIFICATION**

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Name	<u>Marc Schiller</u>
Firm	<u>Shorter Cycles</u>
Title	<u>Principal</u>
Representing	<u>APWU</u>
Signature	<u>John A. Schiller</u>
Date	<u>3/9/2012</u>

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Name

Sheppard Vars

Firm

Sharter Cycles LLC

Title

Sr. Consultant

Representing

APWU

Signature

Sheppard Vars

Date

March 9, 2012

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Name

Jim LYNCH

Firm

Shorter Cycles, LLC

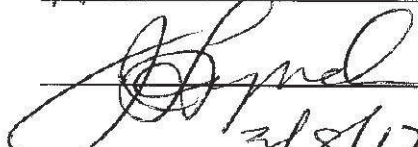
Title

Senior Consultant

Representing

APWU

Signature



Date

3/8/12